GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Agriculture & Cooperation Department – ACB Cases - Smt.D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad – Allegations of Collecting bribes by corrupt means and by misusing official position – Disciplinary action initiated under A.P. Civil Services (CCA) Rules, 1991 – Imposition of penalty of "Withholding of 5% of Pension for a period of (5) years", under A.P. Revised Pension Rules, 1980 - Orders – Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Ms.No. 06 **Dated: 03/02/2023**

Read the following:

1. From the Inspector of Police, A.C.B., C.I.U., Hyderabad, Radio Message dt.14.09.2010
2. Proceedings No. Vig.II(5)403/10, dt.15.9.2010, O/o Commissioner & Director of Agriculture, A.P., Hyderabad.
3. From the Director General, ACB, A.P., Hyderabad, Letter Rc.No.155/RCO-CIU/2010, dt.24.8.2011.
4. G.O.Ms.No.255, A & C (Vig.I) Dept., dt.24.10.2011.
5. Govt. Memo.No.12700/Vig.I-2/2010-4, A & C (Vig.I) Dept., dt.24.10.2011.
6. Memo. No. Vig.II(5)403/2010, dt.19.11.2011, O/o Commissioner & Director of Agriculture, A.P., Hyderabad.
7. Written Statements of Defense dt.02.12.2011 of Smt.D.Sailaja, the then Senior Assistant, O/o the Commissioner & Director of Agriculture, A.P., Hyderabad.
8. From the Director General, ACB, A.P., Hyderabad, Letter Rc.No.155/RCO-CIU/2010, dt.15.03.2012,
9. Govt. Memo.No.12700/Vig.I-2/2010-II, A & C (Vig.I) Dept., dt.31.07.2012.
10. Proceedings No. Vig.II(5)403/2010, dt. 13.08.2012, O/o Commissioner & Director of Agriculture, A.P., Hyderabad.
11. Memo. Vig.II(5)403/2010, dt.09.02.2018, O/o Commissioner & Director of Agriculture, A.P., Guntur.
12. Memo. Vig.II(5)403/2010, dt.17.01.2017, O/o Commissioner & Director of Agriculture, A.P., Guntur.
13. From the Special Commissioner of Agriculture, A.P., Guntur, vide letter dt.19.06.2018 along with Enquiry Officer Report dt.29.05.2018.
14. Govt. Memo.No.12700/Vig.I-2/2010, A & C(Vig.I) Dept., dt.06.07.2018
15. From the Special Commissioner of Agriculture, A.P., Guntur, Letter No. Vig.II(2) 403/2010, dt.02.06.2020.
16. From the Commissioner of Agriculture, A.P., Guntur, Letter No. Vig.II(2) 403/2010, dt.08.01.2021.
17. Govt. Notice.No.12700/Vig.I/2010- I, A & C (Vig.I) Dept., dt.26.05.2022.
18. From the Special Commissioner of Agriculture, A.P., Guntur, Letter No.Vig.II(2)403/2010, dt.03.08.2022.
19. Govt. Letter. No.12700/Vig.I/2010, A & C (Vig.I) Dept., dt.22.11.2022 addressed to the Secretary, A.P.P.S.C., A.P., Vijayawada
20. From the Secretary, A.P., Public Service Commission, A.P., Vijayawada, Letter No.GAD03-APPSC0DCC/116/2022-AEE-APPSC, dt.04.01.2023.

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O R D E R:

In the reference 1st read above, the Inspector of Police, A.C.B., C.I.U., Hyderabad has sent a Radio Message stating that Smt. D.Sailaja, the then Senior Assistant, O/o the Commissioner & Director of Agriculture, A.P., Hyderabad, demanded and accepted the illegal gratification from the dealers of Fertilizers for processing of renewal or issue of fresh wholesale trade licenses of Andhra area and got remitted the said illegal gratification of Rs.7,18,725/- in her savings bank account No. 52117541396 of State Bank of Hyderabad, Gun Foundry branch during the year 2010 and shared with Sri G. Ravi Kumar Singh, the then Office Superintendent, O/o Commissioner & Director of Agriculture, A.P., Hyderabad.

2. The Inspector of Police, A.C.B., C.I.U., Hyderabad has further stated that, during the searches, several incriminating material documents and records pertaining to the Fertilizers Licenses were seized and the Accused Officer was arrested on 13.9.2010 at 8.00 P.M. and being produced before the Hon'ble Court of Principal Special Judge for SPE & ACB Cases, Hyderabad for judicial remand and investigation is in progress and preliminary report follows.

(P.T.O)

3. Based on the above report, the Commissioner & Director of Agriculture, A.P., Hyderabad has placed Smt. D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad, under suspension w.e.f.13.09.2010, in the reference 2nd read above.

4. In the reference 3rd read above, the Director General, ACB, A.P., Hyderabad, has submitted Final Report, stating that, the oral and documentary evidence is sufficient to prove that the Accused Officer committed the offences punishable u/s 7 and 13(2) r/w 13(1)(d) of the P.C. Act, 1988 and section 34 IPC and hence recommended, Prosecution of the Accused officer in a court of law for the offences u/s 7 and 13(2) r/w 13(1)(d) of P.C. Act, 1988 and section 34 IPC.

5. In the reference 4th read above, the Government have accorded sanction for prosecution of Smt. D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad and also communicated the final report of Director General, ACB, A.P., Hyderabad, along with draft Articles of charge against the Accused Officer, to the Commissioner & Director of Agriculture, A.P., Hyderabad, in the reference 5th read above, with a request to initiate departmental action as per A.P. Civil Services (Conduct) Rules, 1964, for failure of submission of Annual Property Returns, as per the recommendations of the Director General, ACB, AP, Hyderabad and conclude the proceedings.

6. In the reference 6th read above, the Commissioner & Director of Agriculture, A.P., Hyderabad has issued Articles of Charge against Smt. D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad, with a direction to submit her Written Statement of Defense(WSD) and in the reference 7th read above the Charged Officer has submitted her Written Statement of Defense (WSD), duly denying the Charges framed against her and requested to drop further action in the matter.

7. In the reference 8th read above, the Director General, ACB, A.P., Hyderabad, has informed that the charge sheet was filed in respect of Smt. D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad in the court of Special Judge for SPE & ACB Cases, Hyderabad on 21.02.2012 and the case was taken on file in C.C.No.3/2012 by the Special Court.

8. As per the instructions of the Government in the reference 9th read above, the Commissioner and Director of Agriculture, A.P., Hyderabad has issued orders in the reference 10th read above, for revocation of suspension of Smt.D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad, without prejudice to the disciplinary/criminal (prosecution) case pending against them in A.C.B. Court, Hyderabad.

9. Since the Written Statement of Defence (WSD) submitted by the Charged Officer Smt.D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad is far from convincing, the Commissioner & Director of Agriculture, A.P., Guntur has appointed Sri V.Sridhar, Joint Director of Agriculture (Extension), O/o Commissioner & Director of Agriculture, A.P., Guntur, as the Inquiring Authority, in the reference 11th read above, to conduct inquiry into the Articles of Charges issued against the Charged Officer Smt.D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad and to submit report.

10. Further, the Commissioner & Director of Agriculture, A.P., Guntur has also appointed Sri B. Srinivasa Charyulu, Asst. Director of Agriculture (Extension), O/o Commissioner & Director of Agriculture, A.P., Guntur, as Presenting Officer, in the reference 12th read above, to present the case before the Inquiring Authority, on behalf of the Government.

11. In the reference 13th read above, the Special Commissioner of Agriculture, A.P., Guntur, has forwarded a copy of the Inquiry Officer's report, dt.29.05.2018, in which the latter has stated that the charges levelled against Smt.D.Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad, are held proved.

12. In the mean while, the Charged Officer, Smt. D. Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad has retired from Public Service, on 31.05.2018, while working as Office Superintendent, on attaining the age of superannuation.

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13. In the reference 14th read above, the Government have requested the Special Commissioner of Agriculture, A.P., Guntur, to communicate the Inquiry Report to the Charged Officer, Smt. D. Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad and subsequently retired as Office Superintendent and to obtain her explanation on the findings of the Enquiry Officer.

14. In the reference 15th read above, the Special Commissioner of Agriculture, A.P., Guntur, has forwarded the representation dt.Nil. of the Charged Officer, Smt. D. Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad, in which she has requested to drop further action against her and in the reference 16th read above, the Commissioner of Agriculture, A.P., Guntur, has stated that, since the said Charged Officer has duly denied the findings made by the Enquiry Officer against her, further action may be taken as per rule 9 of A.P. Civil Services (CCA) Rules, 1991.

15. The Government, after consultation with the advisory department, have taken a provisional decision to impose the penalty of "Withholding of 5% of Pension for a period of 5 years", under A.P. Revised Pension Rules, 1980, on the Charged Officer Smt. D. Sailaja, the then Senior Assistant and subsequently retired as Office Superintendent, O/o the Commissioner of Agriculture, A.P., Guntur, for the charges held proved against her.

16. Accordingly, the Government have issued notice to Smt.D. Sailaja, the then Senior Assistant and subsequently retired as Office Superintendent, O/o Commissioner of Agriculture, A.P., Guntur, in the reference 17th read above, with a direction to show-cause as to why the penalty of "Withholding of 5% of Pension for a period of (5) years" should not be imposed against her for the Articles of Charge issued against her are held proved.

17. In the reference 18th read above, the Special Commissioner of Agriculture, A.P., Guntur, has forwarded the representation submitted by the Charged Officer Smt.D. Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad and subsequently retired as Office Superintendent, O/o the Commissioner of Agriculture, A.P., Guntur, in which she has requested to consider her explanation on humanitarian grounds and drop further action in the matter.

18. Since the Charged Officer Smt. D. Sailaja, the then Senior Assistant, O/o Commissioner & Director of Agriculture, A.P., Hyderabad and subsequently retired as Office Superintendent, O/o the Commissioner of Agriculture, A.P., Guntur, has not produced any new material or evidence that has the effect of changing the nature of the case, the Government have not considered her representation and decided to impose the above penalty of "Withholding of 5% of Pension for a period of (5) years" against her.

19. Accordingly, the Government have requested the Secretary, A.P.P.S.C., Vijayawada, in the reference 19th read above, to place above said proposal in respect of the Charged Officer Smt.D.Sailaja, the then Senior Assistant and subsequently retired as Office Superintendent, O/o the Commissioner of Agriculture, A.P., Guntur, before the Commission, as per Regulation 17 of APPSC, and obtain its concurrence and communicate the same to this Department for further action in the matter.

20. In the reference 20th read above, the Secretary, A.P.P.S.C., Vijayawada has informed that the Commission has agreed with the proposal of the Government to impose the penalty of "Withholding of 5% of Pension for a period of (5) years" against the Charged Officer Smt.D.Sailaja, the then Senior Assistant and subsequently retired as Office Superintendent O/o Commissioner & Director of Agriculture, A.P., Guntur and advised accordingly.

21. The Government, after careful examination of the matter, hereby, impose the penalty of "Withholding of 5% of Pension for a period of (5) years" on the Charged Officer Smt.D.Sailaja, the then Senior Assistant and subsequently retired as Office Superintendent, O/o Commissioner & Director of Agriculture, A.P., Guntur, under A.P. Revised Pension Rules, 1980, for the Articles of Charge issued against her are held proved.

(P.T.O)

22. The Special Commissioner of Agriculture, A.P., Guntur shall take further action, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
CHIEF COMMISSIONER, RBKs &
PRINCIPAL SECRETARY TO GOVERNMENT

To:

Smt. D.Sailaja, the then Senior Assistant and subsequently retired as Office Superintendent, O/o Commissioner & Director of Agriculture, A.P., Guntur.
(through the Spl.Commissioner of Agriculture, A.P., Guntur)
The Special Commissioner of Agriculture, A.P., Guntur.

Copy to:

The Prl. Accountant General, A.P., Vijayawada.
The Director General, ACB, Pandit Nehru Bus Station,
NTR Administrative Block, 2nd Floor, Vijayawada, A.P.
The Director of Treasuries & Accounts, A.P., Vijayawada.
The District Treasury Officer, Guntur
The P.S. to Secretary, A.P.P.S.C., A.P.,Vijayawada.
The OSD to A.P. Vigilance Commissioner, A.P.V.C., 5th Block, 1st Floor,
A.P. Secretariat, Velagapudi
The OSD to Minister for Agriculture, A.P.
Sf/Sc

// FORWARDED BY ORDER//

SECTION OFFICER